

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

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In re: :  
THE FINANCIAL OVERSIGHT AND :  
MANAGEMENT BOARD FOR PUERTO RICO, : PROMESA  
as representative of : Title III  
THE COMMONWEALTH OF PUERTO RICO *et al.*, : Case No. 17-BK-3283 (LTS)  
Debtors.<sup>1</sup> : (Jointly Administered)  
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In re: :  
THE FINANCIAL OVERSIGHT AND :  
MANAGEMENT BOARD FOR PUERTO RICO, : PROMESA  
as representative of : Title III  
PUERTO RICO SALES TAX FINANCING, : Case No. 17-BK-3284 (LTS)  
CORPORATION (“COFINA”) :  
Debtor. :  
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**URGENT MOTION FOR LEAVE TO CITE TO  
CASE LAW IN SPANISH LANGUAGE AND FOR EXTENSION OF  
TIME TO SUBMIT CORRESPONDING CERTIFIED ENGLISH TRANSLATIONS**

To the Honorable United States District Judge Laura Taylor Swain:

The Official Committee of Unsecured Creditors of all Title III Debtors (other than COFINA) (the “Committee”) hereby submits this urgent motion (the “Urgent Motion”), for leave

<sup>1</sup> The Debtors in these Title III cases, along with each Debtor’s respective Title III case number listed as a bankruptcy case number due to software limitations and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283 (LTS)) (Last Four Digits of Federal Tax ID: 3481), (ii) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566 (LTS)) (Last Four Digits of Federal Tax ID: 9686), (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567 (LTS)) (Last Four Digits of Federal Tax ID: 3808), (iv) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284 (LTS)) (Last Four Digits of Federal Tax ID: 8474), and (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-4780 (LTS)) (Last Four Digits of Federal Tax ID: 3747).

to cite to two cases in the Spanish language in the *Official Committee of Unsecured Creditors'* (A) *Amended Further Response to AAFAF's Informative Motion Disclosing Proposed Payment of \$7 Million to Bonistas del Patio, Inc.* [Docket No. 5097] and (B) *Urgent Motion Requesting Hearing on Proposed Payment* [Docket No. 5136] (the “Scheduling Motion”)<sup>2</sup> and to file the corresponding certified English translations within five (5) business days after the filing of the Scheduling Motion. In further support of this Urgent Motion, the Committee respectfully represents as follows:

#### **JURISDICTION AND VENUE**

1. The United States District Court for the District of Puerto Rico (the “Court”) has subject matter jurisdiction over this matter pursuant to section 306(a) of PROMESA.
2. Venue is proper pursuant to section 307(a) of PROMESA.

#### **BACKGROUND**

3. On February 11, 2019, the Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”) filed an informative motion [Docket No. 5097] (the “Informative Motion”) advising the Court that it had entered into a stipulation pursuant to which AAFAF purported to obligate the Commonwealth to make a \$7 million payment to Bonistas from its own funds on account of professional fees purportedly incurred by Bonistas in connection with the COFINA plan of adjustment. On February 12, 2019, the Committee filed its initial response [Docket No. 5100] to the Informative Motion, raising serious questions regarding the propriety of the proposed \$7 million payment to Bonistas. On February 13, 2019, AAFAF filed its response [Docket No. 5117],<sup>3</sup> and, in evening on February 13, 2019, the

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<sup>2</sup> Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Scheduling Motion.

<sup>3</sup> That same day, the COFINA Senior Bondholder Coalition also filed a statement [Docket No. 5118] in support of the Informative Motion.

Court entered an order [Docket No. 5121] directing the Committee to file any further response by 4:00 p.m. (AST), on February 14, 2019. In accordance with this order, the Committee filed the Scheduling Motion on February 14, 2019.

4. Two opinions cited in the Scheduling Motion, namely *Ramiro Rodríguez v E.L.A.*, 2014 TSPR 32 (2014), and *Alco Corp. v Municipio Toa Alta*, 183 D.P.R. 530 (2011) (the “Supporting Cases”), do not have certified English translations. In light of the compressed briefing timetable, the Committee was unable to procure certified English translations of the Supporting Cases prior to the deadline for filing the Scheduling Motion.

**RELIEF REQUESTED**

5. Rule 5(g) of the Local Rules for the District of Puerto Rico provides that “[a]ll documents not in the English language which are presented or filed, whether as evidence or otherwise, must be accompanied by a certified translation into English prepared by an interpreter certified by the Administrative Office of the United States Courts.”

6. As noted, the Committee was unable to procure certified English translations of the Supporting Cases on or before February 14, 2019. Accordingly, the Committee requests leave from this Court to cite to the Supporting Cases in their original Spanish language and to submit certified translations within the next five (5) business days.

7. The Committee hereby certifies that there is a true need for urgent relief and that such urgency was not created through any lack of due diligence.

8. No prior request for the relief sought in this Urgent Motion has been made to this or any other court.

[*Remainder of page intentionally left blank.*]

WHEREFORE the Committee respectfully requests that the Court enter the Proposed Order attached hereto as **Exhibit A**, granting the Committee the relief requested herein and all other relief as is just and proper.

Dated: February 14, 2019

/s/ G. Alexander Bongartz

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- and -

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